

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RICARDO SALCEDO,

Petitioner,

vs.

MAGGIE MILLER-STOUT,

Respondent.

NO. CV-07-3014-EFS

ORDER DISMISSING PETITION

By Order filed April 19, 2007, the Court advised Mr. Salcedo of the deficiencies of his *pro se* Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254 and directed him to amend within sixty (60) days. Petitioner, a prisoner at the Airway Heights Correction Center, is proceeding *in forma pauperis*; Respondent has not been served. It appears Mr. Salcedo has abandoned his federal habeas corpus petition as he has not filed an amended petition.

Accordingly, for the reasons set forth in the Order to Amend Petition (Ct. Rec. 4), **IT IS ORDERED** the Petition is **DISMISSED without prejudice** for failure to exhaust state court remedies and because a question of whether a prior conviction qualifies for sentence enhancement under state law is not a cognizable federal habeas corpus claim. See *Miller v. Vasquez*, 868 F.2d 1116, 1118-19 (9th Cir. 1989).

